

(Pub. L. 103–322, title XXXII, §320804, Sept. 13, 1994, 108 Stat. 2122.)

§ 5204. Relationship to State and local law and civil actions

This chapter does not preempt a State law or local ordinance that provides for civil or criminal penalties for conduct that violates this chapter.

(Pub. L. 103–322, title XXXII, §320805, Sept. 13, 1994, 108 Stat. 2122.)

§ 5205. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 103–322, title XXXII, §320806, Sept. 13, 1994, 108 Stat. 2122.)

§ 5206. Rule of construction

Nothing in this chapter shall be construed to impair a right guaranteed to a person under the first article of amendment to the Constitution or limit any legal remedy for forceful interference with a person's lawful participation in speech or peaceful assembly.

(Pub. L. 103–322, title XXXII, §320807, Sept. 13, 1994, 108 Stat. 2122.)

§ 5207. Definitions

As used in this chapter:

(1) Federal lands

The term “Federal lands” means—

- (A) national forests;
- (B) public lands;
- (C) national parks; and
- (D) wildlife refuges.

(2) Lawful hunt

The term “lawful hunt” means the taking or harvesting (or attempted taking or harvesting) of wildlife or fish, on Federal lands, which—

- (A) is lawful under the laws applicable in the place it occurs; and
- (B) does not infringe upon a right of an owner of private property.

(3) National forest

The term “national forest” means lands included in the National Forest System (as defined in section 1609(a) of this title).

(4) National park

The term “national park” means lands and waters included in the National Park System (as defined in section 100501 of title 54).

(5) Public lands

The term “public lands” has the same meaning as is provided in section 1702(e) of title 43.

(6) Secretary

The term “Secretary” means—

- (A) the Secretary of Agriculture with respect to national forests; and
- (B) the Secretary of the Interior with respect to—
 - (i) public lands;
 - (ii) national parks; and

(iii) wildlife refuges.

(7) Wildlife refuge

The term “wildlife refuge” means lands and waters included in the National Wildlife Refuge System (as established by section 668dd of this title).

(8) Conduct

The term “conduct” does not include speech protected by the first article of amendment to the Constitution.

(Pub. L. 103–322, title XXXII, §320808, Sept. 13, 1994, 108 Stat. 2122.)

CODIFICATION

In par. (4), “section 100501 of title 54” substituted for “section 2(a) of the Act entitled ‘An Act to facilitate the management of the National Park System and miscellaneous areas administered in connection with that system, and for other purposes’, approved August 8, 1953 (16 U.S.C. 1c(a))” on authority of Pub. L. 113–287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

CHAPTER 73—RHINOCEROS AND TIGER CONSERVATION

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§ 5301. Findings

The Congress finds the following:

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

(2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.

(3) All rhinoceros species have been listed on Appendix I of CITES since 1977.

(4) All tiger subspecies have been listed on Appendix I of CITES since 1987.

(5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) In 1987, the parties to CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.

(7) On September 7, 1993, under section 1978 of title 22 the Secretary certified that the People's Republic of China and Taiwan were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee of CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 1978 of title 22, the President announced that the United States would impose trade sanctions against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 1978 of title 22, the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan's failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China's progress be undertaken.

(Pub. L. 103-391, § 2, Oct. 22, 1994, 108 Stat. 4094.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (5), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-112, § 1, Jan. 8, 2002, 115 Stat. 2097, provided that: "This Act [enacting section 5305c of this title and amending sections 4246, 5303 to 5305, and 5306 of this title] may be cited as the 'Rhinoceros and Tiger Conservation Reauthorization Act of 2001'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-312, title IV, § 401, Oct. 30, 1998, 112 Stat. 2959, provided that: "This title [enacting sections 5305a and 5305b of this title, amending sections 5302, 5303, and 5306 of this title, and enacting provisions set out as a note below] may be cited as the 'Rhinoceros and Tiger Conservation Act of 1998'."

SHORT TITLE

Pub. L. 103-391, § 1, Oct. 22, 1994, 108 Stat. 4094, provided that: "This Act [enacting this chapter] may be cited as the 'Rhinoceros and Tiger Conservation Act of 1994'."

CONGRESSIONAL FINDINGS

Pub. L. 105-312, title IV, § 402, Oct. 30, 1998, 112 Stat. 2959, provided that: "Congress finds that—

"(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

"(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as 'CITES');

"(3) the Parties to CITES have adopted several resolutions—

"(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

"(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

"(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

"(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

"(6) legislation is required to ensure that—

"(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

"(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally."

§ 5302. Purposes

The purposes of this chapter are the following:

(1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.

(2) To provide financial resources for those programs.

(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

(Pub. L. 103-391, § 3, Oct. 22, 1994, 108 Stat. 4095; Pub. L. 105-312, title IV, § 403, Oct. 30, 1998, 112 Stat. 2959.)

AMENDMENTS

1998—Par. (3). Pub. L. 105-312 added par. (3).

§ 5303. Definitions

In this chapter—

(1) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) "conservation" means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;

(3) "Fund" means the the¹ account established by division A, section 101(e), title I of Public Law 105-277 under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" [16 U.S.C. 4246];

(4) "Secretary" means the Secretary of the Interior;

¹ So in original.